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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

**TAMARACK AEROSPACE
GROUP, INC,**

Debtor.

Case No. 19-01492-FPC11

Chapter 11

**REORGANIZED DEBTOR'S
MOTION TO EXTEND CLAIMS
OBJECTION DEADLINE UNDER
CONFIRMED PLAN OF
REORGANIZATION RE CLASS 6
CLAIMS**

**(Proposed Extension Date: April 30,
2021)**

I. MOTION

Tamarack Aerospace Group, Inc., the debtor and reorganized debtor in the above captioned case ("Tamarack" or the "Debtor") by and through counsel John D. Munding, Munding P.S., pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9006, and applicable Local Rules seeks the entry of an order extending the deadline for which the Debtor has to file formal objections to various Class 6 Claims under the

REORGANIZED DEBTOR'S
MOTION TO EXTEND CLAIMS OBJECTION DEADLINE - 1

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1 confirmed First Amended Plan of Reorganization (ECF No. 171) and Order
2 Confirming Amended Plan of Reorganization (ECF No. 212). Specifically, the Debtor
3 seeks to extend the deadline for filing formal claims objections concerning Class 6
4 Claims, as found at Section 8.1 of the First Amended Plan, which required objections
5 to claims be filed by the Effective Date (March 16, 2020). The Debtor was previously
6 granted extensions of time to May 15, 2020 (ECF No. 244), July 15, 2020
7 (ECF No. 258), September 30, 2020 (ECF No. 266), November 30, 2020 (ECF No.
8 273), and January 31, 2021 (ECF No. 281).

11 For the reasons stated below the Debtor request the "Claims Objection Deadline"
12 for the Debtor to file objections to Claims be extended to **April 30, 2021**. This motion
13 to extend the time to object to claims of Class 6 creditors is supported by the declaration
14 of the Debtor's president Jacob Klinginsmith filed concurrently herewith. In support of
15 this motion ("Motion"), the Debtor states as follows:

18 I. JURISDICTION AND VENUE

19 This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§157 and
20 1334. This matter is a core proceeding pursuant to 28 U.S.C. §157(b). The Court also
21 retained jurisdiction over such matters pursuant to the Order Confirming Amended Plan
22 of Reorganization (ECF No. 212). Venue is proper in this District pursuant to 28 U.S.C.
23 §§1408 and 1409. The predicates for relief sought herein are section 105 of the
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1 Bankruptcy Code and Bankruptcy Rule 9006.

2 II. BACKGROUND

3 1. On June 1, 2019, the Debtor filed a voluntary petition for relief under
4 Chapter 11 of the Bankruptcy Code with the Clerk of this Court (ECF No. 1).

5 2. The Proof of Claims deadline was August 28, 2019 for non-governmental
6 creditors and December 2, 2019 for governmental agencies. A total of 22 Proof of
7 Claims have been filed in this Proceeding.
8

9 3. The Debtor's First Amended Disclosure Statement was approved by this
10 Court on December 19, 2019, and the First Amended Plan Solicitation package was
11 served on January 2, 2020 to over 180 individuals, parties in interest, creditors, entities,
12 and other parties in interest.
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14 4. On March 2, 2020, the Court approved and confirmed the Debtor's First
15 Amended Plan of Reorganization (ECF No. 212). The Claims Objection Deadline set
16 forth in the First Amended Plan of Reorganization is the Effective Date of the Plan,
17 which is March 16, 2020. See Section 8.1, Page 27.
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19 5. The Debtor commenced activities and has essentially substantially
20 consummated the Confirmed First Amended Plan of Reorganization with the single
21 exception of Class 6 Claims. The Debtor has paid all Allowed Administrative Claims,
22 Allowed Priority Claims, Allowed Class 1 and 3 Claims, and Allowed Class 4 Claims
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1 under the Plan.

2 6. The Class 6 Claims are categorized as Warranty and Grounding claims of
3 current and past customers. The Class 6 Claims are contingent and unliquidated. Class
4 6 Claims, as allowed, have been determined by Starr Insurance Companies to be
5 covered by insurance policies held by the Debtor to the extent such claims can be
6 documents as arising from or relating to grounding of aircraft.
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9 7. Prior to and during this bankruptcy proceeding, the Debtor submitted a
10 series of grounding claims being asserted by creditors to its insurance company Starr
11 Insurance Companies. The Debtor took the position that the claims are covered as
12 “Grounding Claims” under the insurance policy it procured prepetition and fully paid
13 for under the terms and the conditions of the insurance policy. The Debtor continued
14 to submit and follow up on the grounding claims with Starr Insurance Companies prior
15 to and after confirmation of the First Amended Plan of Reorganization. After a long
16 period of dispute, discussions, and exchange of information, Starr Insurance Companies
17 has acknowledged coverage for “Grounding Claims” under the applicable insurance
18 policy. Matters of coverage have now been resolved, at least in part.
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22 8. The Debtor, its insurance counsel, and with cooperation of Starr Insurance
23 Companies, seeks to extend the deadline to file formal objections to Class Six Claims
24 until April 30, 2021. The Debtor believes this will be the last extension required. *See*
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1 *Declaration of Klinginsmith.* With the approval of Star Insurance Companies, the
2 Debtor has extended proposals to resolve each of the remaining Class 6 Claims. The
3 Debtor's coverage counsel and Starr's representative have been working diligently to
4 resolve each of the Class 6 Claims. In summary, verbal agreements for settlement have
5 been reached as to two (2) claims, one (1) claim has been fully resolved, one (1) claim
6 has been filed as a third-party complaint / action but is limited only to the extent the
7 alleged grounding claim is covered by insurance, and the remaining (2) claims continue
8 in negotiation status. *See Declaration of Klinginsmith.*

11 9. The prior extensions of time have allowed the Debtor to resolve address
12 and resolve the majority of pending Class 6 claims in an efficient and cost-effective
13 manner. The savings to the Debtor have been substantial, allowing the Debtor to
14 reinvest such money into the Debtor's business and restructuring efforts, including
15 creation of new jobs. The Debtor anticipates all remaining claims will be fully resolved
16 by April 30, 2021. The Debtor also anticipates seeking an order of substantial
17 consummation in the near future as all class creditor claims have either been paid, will
18 be paid, or are covered by insurance.

22 10. None of the Class 6 Creditors will be prejudiced by an extension of the
23 Claims Objection Deadline to April 30, 2021. The extension of time will benefit both
24 the Debtor and each of the remaining Class 6 Claimants. The Debtor expects final
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1 resolution on all claims prior to April 30, 2021, eliminating the delay and expense
2 associated with formal claims litigation on the two (2) remaining claims to be resolved.
3 If necessary, the Debtor will file formal objections to these remaining claims prior to
4 April 30, 2021.
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6 11. Section 105(a) of the Bankruptcy Code authorizes the Court to issue “any
7 order, process, or judgment that is necessary or appropriate to carry out the provisions
8 of this title.”
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10 12. Accordingly, the Debtor submits that given the procedural posture of this
11 case, confirmation, and substantial consummation of the First Amended Plan of
12 Reorganization, and in conjunction with other events described herein and supported by
13 the Declaration of Jacob Klinginsmith, that good cause exists, and the Court should
14 exercise its discretion to modify the applicable Claims Objection Deadline to April 30,
15 2021.
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18 **WHEREFORE**, the Debtor respectfully requests that this Court enter an order
19 (a) granting this Motion, and (b) extending the deadline for the Debtor to file objections
20 to Class 6 Claims under the First Amended Plan of Reorganization to April 30, 2021.
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22 DATED: January 27, 2021.
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24 MUNDING, P.S.

25 /s/ John D. Munding

26 JOHN D. MUNDING WSBA # 21734

Attorney for Debtor